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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,659	07/15/2003	Hsiang-Ling Wu	MR1345-715	5889

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ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY, MD 21043

EXAMINER

CONLEY, FREDRICK C

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 02/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/618,659

Applicant(s)

WU, HSIANG-LING

Examiner

Fredrick C Conley

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 7 is/are rejected.
- 7) ☒ Claim(s) 4, 6 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,273,810 to Rhodes et al. in view of U.S. Pat. No. 5,552,205 to Lea.

In reference to claims 5 and 7, Rhodes discloses an inflatable ventilation cushion comprising an outer bag, said outer bag comprising a top fabric sheet layer 22, a bottom fabric sheet layer 24 peripherally sealed to said top fabric sheet layer, at least one air inlet 27 respectively extended out of said top fabric sheet layer and said bottom fabric sheet layer, a plurality of air vents 25 formed in said top fabric sheet layer in communication with said at least one air inlet, and an electric pump 29 connected to the air inlet of said outer bag and adapted to induce currents of air into the inside of the outer bag. Rhodes fails to disclose a fabric stuffing member formed of interwoven nylon fibers. Lea discloses an inflatable cushion having a fabric stuffing member stuffed between a top fabric sheet layer and a bottom fabric sheet layer wherein the fabric stuffing member is formed of interwoven nylon fibers having open spaces (col. 5 lines 39-41). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ the fabric stuffing as taught by Lea in the cushion of Rhodes in order to enable the nylon fibers to act effectively in tension between the upper and lower

Art Unit: 3673

sheets to limit deflection of the upper and lower sheets away from each other and maintain sufficient air pressure.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,273,810 to Rhodes et al. in view of U.S. Pat. No. 3,030,145 to Kottemann and U.S. Pat. No. 5,552,205 to Lea.

In reference to claim 1, Rhodes discloses an inflatable ventilation cushion comprising an outer bag, said outer bag comprising a top fabric sheet layer 22, a bottom fabric sheet layer 24 peripherally sealed to said top fabric sheet layer, at least one air inlet 27 respectively extended out of said top fabric sheet layer and said bottom fabric sheet layer, and a plurality of air vents 25 formed in said top fabric sheet layer in communication with said at least one air inlet. Rhodes fails to disclose a flexible tube and an electric fan installed in the flexible tube. Kottemann discloses a ventilation cushion having a flexible tube 34 respectively connected to said at least one air inlet of said outer bag, and an electric fan (35,42) respectively installed in said at least one flexible tube. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a flexible tube and fan as taught by Kottemann with the cushion of Rhodes in order to provide forced circulation of air inside the bag. Rhodes also fails to disclose a fabric stuffing member formed of interwoven nylon fibers. Lea discloses an inflatable cushion having a fabric stuffing member stuffed between a top fabric sheet layer and a bottom fabric sheet layer wherein the fabric stuffing member is formed of interwoven nylon fibers having open spaces (col. 5 lines 39-41). It would

Art Unit: 3673

have been obvious to one having ordinary skill in the art at the time of the invention to employ the fabric stuffing as taught by Lea in the cushion of Rhodes in order to enable the nylon fibers to act effectively in tension between the upper and lower sheets to limit deflection of the upper and lower sheets away from each other and maintain sufficient air pressure.

Regarding claim 2, wherein said electric fan is respectively a cooling fan (col. 4 lines 3-5)(col. 8 lines 44-54)(Rhodes).

Regarding claim 3, wherein said electric fan incorporated with electric heater means to provide hot air (col. 4 lines 3-5)(col. 8 lines 44-54)(Rhodes).

Allowable Subject Matter

Claims 4, 6, and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fredrick C Conley whose telephone number is 308-7468. The examiner can normally be reached on m-th m-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-2168.

FC


**TERI PHAM LUU
PRIMARY EXAMINER**